

Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 SPC-03 NSF-04 ACDA-19 CIAE-00 INR-10

IO-14 L-03 NSAE-00 NSC-10 RSC-01 SCI-06 FEA-02 SS-20

PM-07 DODE-00 NAS-01 OMB-01 EB-11 DRC-01 /139 W

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R 151633Z JAN 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC 9723

AEC GERMANTOWN

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EC BRUSSELS FOR AEC SENIOR REP

E.O.11652:N/A

TAGS: TECH, OVIP, ENRG, GW

SUBJECT: US/FRG COOPERATION IN RADIOACTIVE WASTE
MANAGEMENT -- VISIT TO US BY TECHNOLOGY MINISTER
EHMKE

REF: BONN 489

1. SUMMARY: REFTEL REPORTED FRG DESIRE THAT MINISTER
EHMKE SIGN TWO AGREEMENTS FOR COOPERATION BETWEEN USAEC
AND FRG MINISTRY OF RESEARCH AND TECHNOLOGY DURING HIS
VISIT TO US. TECHMIN REPS CALLED IN EMBASSY COUNSELOR FOR
SCIENTIFIC AND TECHNOLOGICAL AFFAIRS TO PRESENT THEIR
POSITION ON DRAFT AGREEMENT FOR COOPERATION IN
RADIOACTIVE WASTE MANAGEMENT WHICH HAD BEEN FORWARDED BY
USAEC ON JUNE 25, 1973. GERMANS WISH TIGHTEN UP
PROVISIONS FOR PROTECTION OF PRIVILEGED INFORMATION, TO
MODIFY PATENT ADDENDUM AND TO AMEND APPENDIX A ABOUT
TECHNICAL SCOPE OF COOPERATION. FRG REPS URGE PROMPT
US RESPONSE IN ORDER COMPLETE NEGOTIATIONS PRIOR EHMKE
VISIT IF POSSIBLE. END SUMMARY.

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2. FOLLOWING GERMAN PROPOSALS ARE KEYED TO TEXT OF DRAFT AGREEMENT FORWARDED BY USAEC WITH LETTER FROM DR. FRIEDMAN, DIRECTOR, AEC/DIP, TO PROFESSOR HAXEL, GFK, DATED JUNE 25, 1973.

3. TECHMIN REPS WISH EXPAND PROGRAM TO INCLUDE POSSIBILITY OF JOINT RESEARCH AND DEVELOPMENT PROJECTS. ACCORDINGLY THEY PROPOSE THAT TITLE BE CHANGED FROM "TECHNICAL EXCHANGE ARRANGEMENT..." TO "TECHNICAL COOPERATION AGREEMENT..."

4. TECHMIN REPS REQUEST THAT LANGUAGE OF PARA 5 BE TIGHTENED TO MAKE IT CLEAR THAT CONSENT OF FRG TECHNOLOGY MINISTRY WILL BE REQUIRED FOR DISSEMINATION BEYOND USG AGENCIES. THEY EXPLAINED THAT FRG DID NOT RPT NOT WISH TO*RESTRICT DISSEMINATION OF COMMERCIAL INTERESTING PROPRIETARY DATA TO US INDUSTRY BUT ONLY TO INSURE THAT SUCH DATA COULD NOT RPT NOT BE USED WITHOUT APPROPRIATE COMMERCIAL ARRANGEMENTS BETWEEN GERM N OWNER OF DATA AND US INDUSTRY. THEY FEAR THAT TEXT SUBMITTED BY AEC WO LD PERMIT COMMERCIAL UTILIZATION WITHOUT COMPENSATION. DISSEMINATION OF DATA TO PERSONS IN CATEGORIES (B) AND (C) OOF PARA 5 SHOULD, IN THEIRM VIEW, BE MADE ONLY WITH MINTECH CONSENT.

5. FRG WISHES ADD NEW PARAGRAPH BETWEEN PARA * AND PARA 7 OF AEC TEXT TO READ: "FURTHERMORE, COOPERATION MAY INCLUDE EXECUTION OF JOINT PROGRAMS AND PROJECTS, INCLUDING THE USE OF TEST FACILITIES. DETAILS OF SUCH PROGRAMS WILL BE AGREED ON A CASE-BY-CASE BASIS."

6. IN PARA 7, TECHMIN WOULD CONSEQUENTLY EXPAND FUNCTIONS OF COORDINATOR TO INCLUDE "...EXCHANGE OF INFORMATION AND PROMOTION OF COOPERAT ON..." TECHMIN WOULD PLAN DESIGNATE GESELLSCHAFT FUER KERNFORSCHUNG AT KARLSRUHE AS THEIR COORDINATOR.

7. TECHMIN REPS WISH TO ADD THE STANDARD "BERLIN CLAUSE" AFTER PARA 9 IN THE AEC TEXT. THEY EXPLAIN THAT THIS ADDITION WILL BE PARTICULARLY NECESSARY IN THIS LIMITED OFFICIAL USE

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CASE BECAUSE FRG WISHES TO INCLUDE HAHN-MEITNER INSTITUTE, BERLIN, IN THIS COOPERATIVE PROGRAM.

8. IT MAY BE NECESSARY TO ADD "ENTRY INTO FORCE" PROVISION IN PARA 10. IN FORMAL SENSE, FRG MUST NOTIFY EURATOM AND SEEK ITS APPROVAL OF AGREEMENT WITH USAEC. THIS IS A FORMALITY BUT IT COULD REQUIRE ONE MONTH. IF EURATOM APPROVAL NOT RPT NOT OBTAINED PRIOR TO EHMKE

VISIT, HE WOULD SIGN DOCUMENT BUT AGREEMENT SHOULD THEN
PROVIDE FOR ENTRY INTO FORCE UPON SUBSEQUENT EXCHANGE
OF LETTERS.

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9. FRG WILL WISH ADD STANDARD CLAUSE THAT AGREEMENT IS
PREPARED IN ENGLISH AND GERMAN, BOTH LANGUAGES EQUALLY
VALID. THEY EXPLAINED THAT ENGLISH WOULD BE WORKING
LANGUAGE FOR PROGRAM, OF COURSE, BUT AGREEMENT MUST
ALSO BE DRAFTED IN GERMAN FOR MINISTER EHMKE'S
SIGNATURE.

10. AEC "PATENT ADDENDUM" PRESENTS FRG WITH SERIOUS
PROBLEMS. TECHMIN DESIRES RETAIN POSSIBILITY OF
APPROPRIATE COMMERCIAL UTILIZATION OF INVENTIONS AND
DISCOVERIES RESULTING FROM PROGRAM. THEY FEAR THAT AEC
TEXT TOGETHER WITH PROVISIONS OF US ATOMIC ENERGY ACT
OF 1954 WOULD MAKE THIS DIFFICULT. TECHMIN REPS PROPOSED
DELETE AEC "PATENT ADDENDUM" AND SUBSTITUTE FOLLOWING
SIMPLE TEXT (ROUGH TRANSLATION): "EACH PARTY IS OWNER
OF PATENT RIGHTS FOR INVENTIONS WHICH ITS NATIONALS
MAKE WHILE CONDUCTING THE PROGRAM OF THIS AGREEMENT. IF

NATIONALS OF BOTH PARTIES MAKE A DISCOVERY JOINTLY, THE PARTIES WILL AGREE ABOUT THE UTILIZATION OF THIS JOINT DISCOVERY IN THE EXISTING CIRCUMSTANCES."

11. TECHMIN REPS SUBMITTED A NEW TEXT FOR APPENDIX A, LIMITED OFFICIAL USE

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"TECHNICAL SCOPE." THIS PROPOSED TEXT, REPRODUCED BELOW, IS DESIGNED TO EXPAND TERMS OF REFERENCE TO INCLUDE RADIOACTIVE WASTE DISPOSAL IN REPOSITORIES OTHER THAN SALT DEPOSITS AND TO EXCLUDE CERTAIN AREAS WHICH ARE DEEMED ALMOST READY FOR COMMERCIAL EXPLOITATION (I.E. APPENDIX A, PARA 2A, B, C, D AND ALL OF PARA 3. LATTER IS VIEWED AS PART OF CHEMICAL PROCESSING AND FRG WANTS INDUSTRY TO ASSUME THIS RESPONSIBILITY.)

12.

FRG DRAFT TEXT FOR APPENDIX A:

TECHNICAL SCOPE

1. DISPOSAL OF RADIOACTIVE WASTE IN REPOSITORIES

- A. FACILITY DESIGN AND OPERATION
- B. HEAT GENERATION AND DISSIPATION
- C. GEOLOGY AND HYDROLOGY
- D. ROCK MECHANICS STUDIES
- E. SAFETY CONSIDERATIONS
- F. WASTE PRODUCT CRITERIA
- G. SITE CRITERIA
- H. COST EVALUATION
- I. RECORDS OF REPOSITORIES
- J. RISK ANALYSIS
- K. MONITORING AND CONTROL
- L. PUBLIC INFORMATION AND RELATION

2. RETRIEVABLE SURFACE STORAGE FACILITIES

3. WASTE MANAGEMENT

- A. CRITERIA FOR HANDLING AND STORAGE OF ALL WASTE CLASSES
- B. FEASIBILITY AND SAFETY ANALYSIS FOR ALTERNATIVE LONG-TERM WASTE MANAGEMENT METHODS
- C. PROCESSES AND METHODS FOR PARTITIONING OF HIGH-LEVEL WASTE AND EXTRACTION OF SELECTED NUCLIDES

4. WASTE FROM DECOMMISSIONING OF NUCLEAR INSTALLATIONS

5. TRANSPORTATION OF RADIOACTIVE WASTE

- A. DEVELOPMENT OF A TRANSPORTATION HANDLING AND SHIPPING SYSTEM FOR LOW-LEVEL WASTE

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B. DESIGN AND APPROVAL OF A HIGH-LEVEL WASTE

SHIPPING PACKAGE CONCEPT

C. WASTE PACKAGING

D. SAFETY EVALUATION FOR WASTE PACKAGING AND
TRANSPORT SYSTEMS

13. APPENDIX A SHOULD ALSO INCLUDE NAMES OF FACILITIES INVOLVED IN PROGRAM, AS PROPOSED BY AEC. FRG WOULD WISH TO ADD HAHN-MEITNER INSTITUTE (BERLIN) AND KERNFORSCHUNGSANLAGE (JUELICH) IN ADDITION TO GFK AND GSF. THEY WONDERED WHY AEC HAD NOT RPT NOT INCLUDED IDAHO WASTE CALCINING FACILITY WHICH CONDUCTS RELEVANT R&D.

14. EMBASSY COMMENT. WE PROMISED TECHMIN REPS THAT THEIR VIEWS WOULD BE FORWARDED PROMPTLY TO DEPARTMENT AND AEC BUT EMPHASIZED THAT MANY OF PROPOSALS MADE CLEARLY RAISED POINTS OF SUBSTANCE. PATENT QUESTIONS

AND PROTECTION OF PROPRIETARY DATA WILL EMERGE AS
ISSUES IN ALL PROGRAMS FOR COOPERATION IN TECHNOLOGY,
INCLUDING ENERGY R&D . WE RECALLED THAT 197L VISIT BY FRG
SCIENCE MINISTER LEUSSINK HA* ALSO STIMULATED HURRIED
NEGOTIATION OF MEMORANDUM OF UNDERSTANDING FOR
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COOPERATION IN MAGNETOHYDRODYNAMICS. THIS MOU WAS
SIGNED WITHOUT PATENT ANNEX AND WITHOUT COMPLETE
DEFINITION OF ITS TECHNICAL SCOPE. FRG SUBSEQUENTLY
TERMINATED ITS MHD PRO*RAM, CLEAR EVIDENCE THAT US AND
FRG HAD NOT RPT NOT ACHIEVED A FULL EXCHANGE OF VIEWS.
S&T COUNSELOR URGED THAT WE SEEK A GENERAL SOLUTION
TO THE PROBLEMS OF TECHNOLOGICAL COOPERATION AND
SUGGESTED THAT IT MIGHT BE BOTH NECESSARY AND
DESIRABLE FOR FRG TO SEND QUALIFIED DELEGATION TO
WASHINGTON TO COMPLETE NEGOTIATIONS WITH AEC PRIOR TO
EHMKE VISIT. TECHMIN REPS EXPLAINED THAT FRG SCIENCE
COUNSELOR WOULD ALSO BE INSTRUCTED TO SOUND OUT AEC
REACTIONS TO GERMAN PROPOSALS. IN PRINCIPLE, IT WOULD
BE POSSIBLE FOR FRG DELEGATION TO VISIT WASHINGTON.

15. EMBASSY WOULD APPRECIATE RESPONSE ASAP.
HILLENBRAND

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